

Rec'd ACT/PTO

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Docket No. 960 PATENT
/ 170**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ENERGY RECOVERY SYSTEM

the specification of which is attached hereto unless the following is entered:

was filed on	as United States Application Number or PCT International Application Number	and was amended on (if applicable)
March 29, 2004	PCT / JP2004 / 004400	

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

PRIOR FOREIGN APPLICATION(S)

I hereby claim foreign priority benefits under 35 USC §119(a-d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application(s) for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Filing Date (day/month/year)	Priority Not Claimed
Pat. Appln. No. 2003-112980	Japan	17 / 04 / 2003	

PROVISIONAL APPLICATION(S)

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date

PRIOR UNITED STATES APPLICATION(S)

I hereby claim the benefit under 35 USC §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Application Number	Filing Date	Status (patented, pending, abandoned)

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (Cont.)

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

All practitioners identified at customer number 23,838

Direct telephone calls to:

JOHN C. ALTMILLER
(202) 220-4210

Send correspondence to:

KENYON & KENYON
1500 K. Street, N.W.
Washington, DC 20005-1257

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first or sole inventor	Last Name <u>INAOKA</u>	First Name <u>Hiroya</u>	Middle Name
Residence	City <u>Toyota-shi</u>	State or Country <u>Japan</u> <u>06X</u>	Country of Citizenship <u>Japan</u>
Post Office Address	Street <u>c/o TOYOTA JIDOSHA KABUSHIKI KAISHA 1, Toyota-cho</u>	City <u>Toyota-shi</u>	State or Country & Zip Code <u>Aichi-ken 471-8571 Japan</u>
Signature	<u>Hiroya Inaoka</u>	Date	<u>February 4, 2005</u>
Full name of second inventor	Last Name	First Name	Middle Name
Residence	City	State or Country	Country of Citizenship
Post Office Address	Street	City	State or Country & Zip Code
Signature		Date	
Full name of third inventor	Last Name	First Name	Middle Name
Residence	City	State or Country	Country of Citizenship
Post Office Address	Street	City	State or Country & Zip Code
Signature		Date	
Full name of fourth inventor	Last Name	First Name	Middle Name
Residence	City	State or Country	Country of Citizenship
Post Office Address	Street	City	State or Country & Zip Code
Signature		Date	

Duty to Disclose Information Material to Patentability

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(b) Under this section, information is material to patentability when it is not cumulative to information of record or being made or record in the application, and

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.